

REMARKS

Applicants respectfully request reconsideration of the present U.S. patent application. Claims 1-3, 5-12 and 14-21 stand rejected under 35 U.S.C. § 102. Claims 4, and 13 stand rejected under 35 U.S.C. § 103. Claims 1, 7, 10 and 19 have been amended. Claims 6, 15 and 20 have been canceled. No claims have been added. Therefore, claims 1-5, 7-14, 16-19 and 21 are pending.

Claim Rejections -35 U.S.C. § 102

Rejections of Claims 1-3, 5-12 and 14-21 based on Watterson

Claims 1-3, 5-12 and 14-21 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,498,800 issued to Watterson et al. (*Watterson*). Claims 6, 15 and 20 have been canceled. Therefore, the rejections of claims 6, 15 and 20 are moot. For at least the reasons set forth below, Applicants submit that claims 1-3, 5, 7-12, 14, 16-19 and 21 are not anticipated by *Watterson*.

Amended claim 1 recites the following:

a reference filter for determining an operating point cycle of said control filter, said reference filter having a second periodicity greater than said first periodicity and having a selectivity lower than a selectivity of said control filter, said reference filter being located in said reference path.

Amended claims 7, 10 and 19 recite similar limitations.

Watterson discloses a system that includes a wavelength reference apparatus. See col. 4, lines 1-3. The wavelength reference apparatus includes a first and second etalon. See col. 5, lines 35-36. Light from a vertical cavity surface emitting laser (VCSEL) is input to the wavelength reference apparatus and divided into two portions. See col. 4,

lines 17-23. One portion passes through a first etalon, while the other portion passes through a dielectric filter and a second etalon. See col. 4, lines 25-37.

Because of the construction of the dielectric filter and the second etalon, only light at a single frequency can pass through the transmission profiles of the dielectric filter and the etalon. See col. 4, lines 46-59. Thus, the wavelength reference device permits calibration of the VCSEL against a single known frequency. See col. 5, lines 1-6. The light that passes through the first etalon can also be calibrated at this same frequency. See col. 5, lines 7-12. *Watterson* does not disclose a reference filter that has a lower selectivity than a control filter, as recited in claims 1, 7, 10 and 19. Therefore, *Watterson* fails to disclose at least one limitation of claims 1, 7, 10 and 19. Consequently, *Watterson* does not anticipate the invention in claims 1, 7, 10 and 19 for at least the reasons set forth above. Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 1, 7, 10 and 19 under 35 U.S.C. § 102.

Claims 2, 3 and 5 depend from claim 1. Claims 8 and 9 depend from claim 7. Claims 11, 12, 14 and 16-18 depend from claim 10. Claim 21 depends from claim 19. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 2, 3, 5, 8, 9, 11, 12, 14, 16-18 and 21 are not anticipated by *Watterson* for at least the reasons set forth above.

Claim Rejections -35 U.S.C. § 103

Rejections of Claims 4 and 13 based on *Watterson* and *Rakuljic*

Claims 4 and 13 were rejected under 35 U.S.C. § 103 as being unpatentable

over *Watterson* in view of U.S. Patent No. 5,691,989 issued to Rakuljic et al. (*Rakuljic*).

For at least the reasons set forth below, Applicants submit that claims 4 and 13 are not rendered obvious by *Watterson* and *Rakuljic*.

Applicants agree with the Examiner that *Watterson* fails to disclose the limitations of claims 4 and 13. However, Examiner contends that *Rakuljic* discloses the limitations of claims 4 and 13. As explained above, *Watterson* fails to disclose a reference filter that has a lower selectivity than a control filter. *Rakuljic* discloses a laser that utilizes feedback from a volume holographic grating to lock the laser output wavelength to its desired value. See Abstract.

Examiner does not contend that *Rakuljic* discloses a reference filter that has a lower selectivity than a control filter. Thus, *Rakuljic* fails to cure the deficiencies of *Watterson* pointed out by the Applicants. Consequently, *Watterson* in view of *Rakuljic* fails to disclose a reference filter that has a lower selectivity than a control filter. Therefore, *Watterson* in view of *Rakuljic* fails to teach or suggest at least one limitation of claims 1 and 10.

Claims 4 depends from claim 1. Claim 13 depends from claim 10. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 4 and 13 are not rendered obvious by *Watterson* in view of *Rakuljic* for at least the reasons set forth above. Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 4 and 13 under 35 U.S.C. § 103.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-5, 7-14, 16-19 and 21 are in condition for allowance and such action is respectfully solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

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Respectfully submitted,



Joseph A. Pugh
Reg. No. 52,137

TriQuint Semiconductor, Inc.
2300 NE Brookwood Parkway
Hillsboro, OR 91124
(503) 615-9616